

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

DOCKET NO. 2002-273-T - ORDER NO. 2002-842

DECEMBER 11, 2002

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| IN RE: Application of Wayne's Moving & Storage, |) | ORDER GRANTING |
| Inc., 24 Wood Eden Lane, Bluffton, SC |) | CLASS E CERTIFICATE |
| 29910, for a Class E Certificate of Public |) | |
| Convenience and Necessity |) | |

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Application of Wayne's Moving & Storage, Inc. (Wayne's or the Company), 24 Wood Eden Lane, Bluffton, SC 29910 for a Class E Certificate of Public Convenience and Necessity to transport commodities as follows:

Household Goods, As Defined in R. 103-210(1):
Between points and places in Beaufort, Colleton and Jasper Counties, SC

The Commission's Executive Director instructed Wayne's to publish a Notice of Filing in a newspaper of general circulation in the service area desired. The Notice of Filing instructed the public as to how to file pleadings to participate in the proceedings on the Application. No Protests or Petitions to Intervene were received.

Accordingly, a hearing on the Application was held on December 5, 2002 at 2:30 PM in the Commission's hearing room. The Honorable Mignon Clyburn, Chair, presided. Wayne's was represented by Robert T. Bockman, Esquire. Wayne's presented the testimony of Wayne M. Ross, President of the Company. The Commission Staff (the Staff) was represented by F. David Butler, General Counsel. The Staff presented the

testimony of L. George Parker, Jr., Manager of the Commission's Transportation Department.

The Commission took judicial notice of the fact that it had waived the "shipper witness rule" found in R. 103-133 to prove the Public Convenience and Necessity requirement in those instances wherein an applicant desired to provide service in three contiguous counties or less. The waiver applies in the present case.

Wayne M. Ross, President of the Company testified. Ross stated that he is currently President also of All American Moving and Storage, Inc. (All American), which has authority to move household goods between points and places in Beaufort, Colleton, and Jasper Counties. The owner of that Company is in poor health and the owner's son has basically disappeared. Ross is applying for his own authority, due to the uncertain situation with All American. Ross has 6 years experience with All States Moving and Storage and 2 years experience with All American.

Ross testified that he targets higher income clientele, and moves residents of homes costing \$500,000 to \$1 million. Ross described the Company's equipment. At present, the Company has one 24 foot straight truck and a $\frac{3}{4}$ ton cargo van. He described proposed future equipment acquisitions. The Company has twenty part time workers and four full time supervisors. Ross described the training programs for his workers. Ross also discussed his insurance coverages, and his funding availability with BB&T. The Company has an interstate partnership with Mayflower. Ross reported that his Company had no judgments against it.

Ross also notes that the growth rate in population for the three county area sought is tremendous. He cites the new Sun City and River Bend retirement communities as examples. Ross described the numbers of moves in the three county area requested that are presently being done by All American as evidence of the need for his services. Ross noted that if his company was granted authority, All American Moving and Storage would go into dormancy.

L. George Parker, Jr., Manager of the Commission's Transportation Department, also testified. Parker noted that Ross' equipment and the storage facility he proposes to utilize were all satisfactory.

S.C. Code Ann. Section 58-23-590(C)(Supp. 2001) states that the Commission shall issue a common carrier certificate of public convenience and necessity if the applicant proves to the Commission that: (1) it is fit, willing, and able to properly perform the proposed service and comply with the provisions of this chapter and the Commission's regulations and (2) the proposed service, to the extent to be authorized by the certificate or permit, is required by the present public convenience and necessity.

Upon consideration of this matter, we find that the Applicant, Wayne's Moving & Storage, Inc., has demonstrated that it is fit, willing, and able to perform the services sought by the Application. The testimony of Mr. Ross and Mr. Parker reveals that Wayne's is fit, willing, and able under the standards contained in 26 S.C. Regs. 103-133. Further, we find that the testimony of Mr. Ross indicates that the proposed service is required by the present public convenience and necessity.

Based upon the record before the Commission and the statutory requirements along with the guidelines contained in the Commission's regulations, we find sufficient evidence to grant the Application and therefore grant authority to Wayne's Moving & Storage, Inc. a Class E Certificate of Public Convenience and Necessity for the movement of household goods as follows:

Household Goods, as Defined in R. 103-210(1):

Between points and places in Beaufort, Colleton, and Jasper Counties, SC

This grant of authority is contingent upon compliance with all Commission regulations as outlined below.

IT IS THEREFORE ORDERED THAT:

1. The Application of Wayne's Moving & Storage, Inc. for a Class E Certificate of Public Convenience and Necessity be, and hereby is, approved for authority to transport household goods between points and places in Beaufort, Colleton, and Jasper Counties.

2. Wayne's Moving & Storage, Inc. shall file the proper license fees and other information required by S.C. Code Ann. Section 58-23-10 et seq. (1976), as amended, and by R.103-100 through R.103-241 of the Commission's Rules and Regulations for Motor Carriers, S.C. Code Ann. Vol. 26 (1976), as amended, and R.38-400 through 38-503 of the Department of Public Safety's Rules and Regulations for Motor Carriers, S.C. Code Ann. Vol. 23A (1976), as amended, within sixty (60) days of the date of this Order, or within such additional time as may be authorized by the Commission.

3. Upon compliance with S.C. Code Ann. Section 58-23-10, et seq. (1976), as amended, and the applicable Regulations for Motor Carriers, S.C. Code Ann., Vol. 26 (1976), as amended, a Certificate shall be issued to Wayne's Moving & Storage, Inc. authorizing the motor carrier services granted herein.

4. Prior to compliance with the above-referenced requirements and receipt of a Certificate, the motor carrier services authorized herein shall not be provided.

5. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



Mignon L. Clyburn, Chairman

ATTEST:



Gary E. Walsh, Executive Director

(SEAL)